

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2005 PLANNING COMMISSION MEETING

P.A.S.: Comprehensive Plan Conformance #05004
Pine Lake Heights Addition conservation easement

PROPOSAL: Request to find that the acquisition of a permanent conservation easement over approximately 1.83 acres of open space and wetlands conforms to the 2025 Comprehensive Plan.

LOCATION: West of South 38th Street and South of Pine Lake Road.

CONCLUSION: The proposed easement will allow construction of a water quality wetland consistent with the Beal's Slough Stormwater Master Plan and supports several goals of the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Pine Lake Heights Addition, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Stormwater Detention Pond

SURROUNDING LAND USE AND ZONING:

North:	Residential & Stormwater Detention Pond	R-3
South:	Residential	R-3
East:	Residential, Multiple-family	R-3
West:	Residential	R-3

HISTORY:

September 7, 1993 FP#93009 Pine Lake Heights Addition was approved creating 46 single-family lots and 2 outlots was approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F18 - Guiding Principles for the Urban Environment

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Page F22 - Green Space: Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible.

Page F25 - The 2025 Future Land Use Plan shows this area as urban residential, green space and commercial

Page F52 - Environmental Resource Features represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations.

Page F55 - The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features.

Page F64 - The Greenprint Challenge: Implementation Strategies include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.) to manage land with environmental resource interest.

ANALYSIS:

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires action on the acquisition of conservation easements to be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a finding "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112). Planning Commission action regarding conformance to the Comprehensive Plan is final. The City Council will then either accept or deny the associated conservation easement.
2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2025 Comprehensive Plan.
3. Outlot A was approved as part of Pine Lake Heights Addition to provide both stormwater detention and a year-around water feature.
4. The purpose of the conservation easement is to protect a constructed wetland and buffer area around the permanent pond. Protection of such wetlands is called for in the Beal's Slough Stormwater Master Plan, and is consistent with the goals in the Comprehensive Plan.
5. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

Brian Will, AICP
Planner
May 11, 2005

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402.441.7589

Owner: Pine Lake Heights Ltd.
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Lincoln, NE 68506



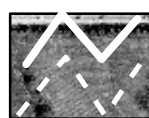
2002 aerial

Comp. Plan Conformance #05004 S. 38th & Pine Lake Rd.

Zoning:

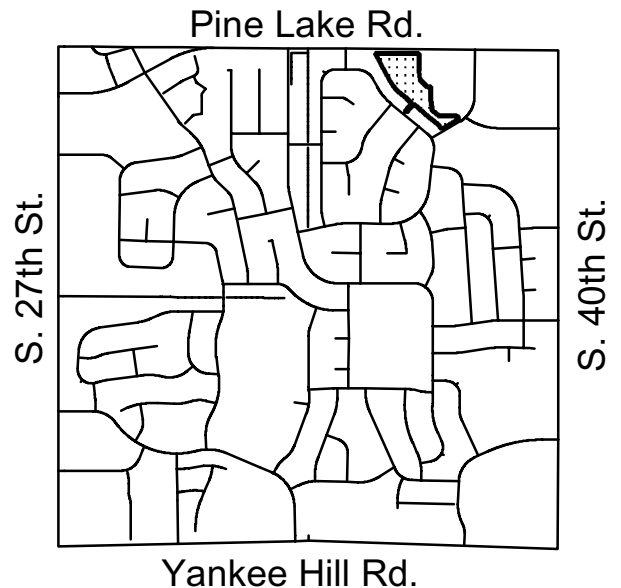
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 19 T09N R07E



Zoning Jurisdiction Lines

City Limit Jurisdiction



APR 28 2005

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

Date: April 27, 2005

To: Marvin Krout, Planning Director

From: Ben Higgins BH

Subject: *Comprehensive Plan Conformity Application for Conservation Easement*

cc: Ann Harrell, Nicole Fleck-Tooze - PWU Department
Rick Peo - City Attorney's Office
Peter Katt - Pierson Fitchett Hunzeker Blake & Katt
DaNay Kalkowski - Seacrest & Kalkowski
Tim Texel, PLHHA President, 7640 S. 38th Street, Lincoln, NE
68516

This memorandum is to serve as a request by the Interim Director of Public Works and Utilities for a Comprehensive Plan Conformity (CPC) item to be forwarded to the Planning Commission for the May 25, 2005 public hearing. **The request is to find the acquisition of a permanent conservation easement over a portion of the Pine Lake Heights subdivision southwest of S. 38th and Pine Lake Road (as shown on the attached map) to be in conformance with the Comprehensive Plan.** State statutes require that conservation easements be approved by the appropriate governing body, including a finding of conformance with the comprehensive plan by the local planning commission.

The purpose of the permanent conservation easement is to protect a constructed wetland and buffer area which are being incorporated into an existing retention pond within an outlot of the subdivision. In the Spring of 2000 the Beal Slough Stormwater Master Plan was adopted as an approved subarea plan of the comprehensive plan. One of the components of the Master Plan is the construction of water quality wetlands within the basin.

This project and associated permanent conservation easement is consistent with the concept and intent of the Master Plan and is being coordinated through an agreement with other improvements being made by the developers and the Pine Lake Heights Homeowner's Association. As stated in the Master Plan "Incorporation of water quality wetlands into stormwater storage facilities constructed for specific subdivision or developments, in accordance with the Lincoln Drainage

Criteria Manual, should be encouraged. Stormwater quality wetlands would improve the quality of subbasin stormwater prior to discharge into the mainstem or tributaries through biological uptake of nutrients, bio-degradation of chemicals, and physical filtering of sediment .”

At the **December 13, 2003 Pine Lake Heights Homeowners Association annual meeting** (quorum present) the City discussed a private/public partnership for rehabilitation of the retention pond with a wetland area. After the discussion it was requested that the Association provide clear indication as to whether there was or was not support for the concept study. The following motion was approved on a 37 -1 vote:

“It has been moved that the Pine Lake Heights Homeowner’s Association express its support for the City of Lincoln proceeding with its proposed concept design, and that the Pine Lake Heights Homeowner’s Association wishes to express its interest in proceeding with the initial stages of the wetland development process.”

The completed concept study was presented to the Association at an **April 3, 2004 special Association meeting** (quorum present) by the City and the consultant for the study (Olsson Associates). The following motion was approved on a 37 - 8 vote:

“That the Pine Lake Heights Homeowners Association approve the City of Lincoln and Olsson Associates proposal as presented regarding creating a wetlands area and related projects in the Pine Lake Heights retention pond.”

Proposed Wetland Rehabilitation of the Pine Lake Heights Retention Pond

Components and funding for the City and Association approved wetland rehabilitation project are:

1. Low Flow Liner Rehabilitation: Remove low flow liner and replace with three stepped weirs (cost shared between City and developer).
2. Wetland Sedimentation Berm: Construction of a low berm so that about 10% of the existing water surface will become a wetland area (funded by the city).
3. Wetlands: Planting of wetland plants behind the low berm and around most of the pond, along with a native grass buffer strip (funded by the City).
4. Pond Dredging: Dredging of the pond to original conditions (cost share between the developer and Association). Please note that the City is not funding any portion of the dredging.

It is estimated that construction will begin this fall and be completed by next spring for this project. The wetland will be maintained privately as a permanent feature of the outlot.

As stated previously, this project and associated permanent conservation easement is consistent with the concept and intent of the Beal Slough Stormwater Master Plan and is an important physical component for treating stormwater, as well as a valuable demonstration project.

Pursuant to the process developed by the Planning Department in conjunction with the City Law Department we understand that the Comprehensive Plan Conformity item for acquisition of this conservation easement within the City's jurisdiction will be final action at the Planning Commission. Subsequent to the Planning Commission, a conservation easement agreement will be forwarded to the City Council.

Please include those copied on this memorandum in addition to myself when you mail notification regarding scheduling this item for public hearing.

Please contact me at 441-7589 with any questions.